

REMARKS

Prior to this amendment, claims 1-14 were pending in the present application. With this amendment, claims 1, 5-8, and 12-14 have been amended. Consequently, the pending claims are 1-14. Reconsideration and allowance of the pending claims is respectfully requested.

Objections

The Examiner has objected to claim 8 because of an informality. Claim 8 has been amended to insert a colon (:) in place of an extraneous period (.). The Examiner is thanked for identifying this typographical error and Applicants request withdrawal of the Examiner's objection to the claims.

The Examiner has objected to the disclosure "because it contains an embedded hyperlink and/or other form of browser-executable code." As requested by the Examiner, the identified language has been deleted, and Applicants request withdrawal of the Examiner's objection to the disclosure.

Rejections Under 35 U.S.C. §112

Claims 5 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With this paper, claims 5 and 12 have been amended to remove the language rejected by the Examiner. Applicants respectfully request withdrawal of the Examiner's rejections under § 112 and allowance of claims 5 and 12.

Rejections Under 35 U.S.C. §102(e)

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Mui et al. (US 20003/0229529 A1).

Claim 1 has been amended to recite, in part:

a second computer mechanism, electronically coupled to the at least one database system, containing a set of management tools configured to produce data to assist the business entity in self measurement, metric comparisons, and strategic plans development through the use of data contained in the at least one database system, wherein said data to assist the business entity in strategic plans development comprises reports including recommendations to increase the business entity's performance relative to specified metrics (emphasis added.)

This amendment is supported at least by paragraph [0057] of the specification.

In contrast with the data processing apparatus recited in claim 1, the cited portions of Mui include the following descriptions:

[1243] The Performance Application allows individuals to periodically update their profile to reflect any completed interventions, new development plans or planned assignments. He can also take assessments to test his proficiency around certain areas. This process provides lines of sight to others in the organization including managers and executives. By ensuring these updates happen on a regular basis (monthly, weekly), the organization can review how workforce performance 1810 is improving by individuals, goals, project, or business unit. This periodic view can provide a history as to the progress being made towards achieving organizational goals. By utilizing the performance application to ensure that individual performance progress is updated periodically by all individuals and managers, executives can view organizational data and measure how well the organization is progressing to a set of goals, and make changes or improvements to goals or workforce competencies, thereby completing the workforce performance and improvement cycle. This data can be utilized with quantitative financial data to determine the impact of key interventions. Metrics such as quality

metrics and sales data can be used to evaluate the return on investment of interventions.

[1298] Goal Observation--A Goal Observation is a report made by a Goal Observer on the state of a Goal Metric at a given point in time. Besides a time reference and a reference to the Goal Observer, an observation is characterized by a percentage describing how much of the assigned goal has been completed. An observation can be ACTUAL or PROJECTED.

[1354] The individual collaborates with his/her manager on constructing goals and planning items that are meaningful by giving input on the competencies he/she would like to develop, or areas in which he/she has an interest.

(Emphasis added.)

Thus, as indicated by the paragraphs quoted above, Mui describes a system which provides a report on the “state of a Goal Metric at a given point in time” or a “history as to the progress being made towards achieving organizational goals”. It is then up to executives to “make changes or improvements to goals or workforce competencies” or up to the individual contributors and their managers to collaborate on “constructing goals and planning items”.

In contrast, the apparatus recited in claim 1 goes beyond simply describing the state of a goal metric at a given point in time. The claimed apparatus assists a business entity in improving operations relative to specified business metrics by providing computer mechanism containing a set of management tools configured to produce reports including recommendations to increase the business entity’s performance relative to specified metrics.

The Mui reference cited by the Examiner fails to teach or suggest the apparatus recited in claim 1. Accordingly, the Examiner’s rejection of claim 1 under § 102(e) is unsupported by the cited reference. Therefore, Applicants respectfully request withdrawal of the rejection of claim 1 and claims 2-5, which depend from claim 1.

Claim 6 has been amended to recite, in part:

a second computer mechanism, electronically coupled to the at least one database system, containing a set of management tools configured to produce data to assist the business entity in self measurement, metric comparisons, and strategic plans, wherein said data to assist the business entity in strategic plans development comprises reports including recommendations to increase the business entity's performance relative to specified metrics (emphasis added.)

The Mui reference cited by the Examiner fails to teach or suggest the apparatus recited in amended claim 6. Accordingly, the Examiner's rejection of claim 6 under § 102(e) is unsupported by the cited reference. Therefore, Applicants respectfully request withdrawal of the rejection of claim 6.

Claim 7 has been amended to recite, in part:

a second computer mechanism, electronically coupled to the at least one database system, containing a set of management tools configured to produce data to assist the business entity in self measurement, metric comparisons, and strategic plans development, wherein said data to assist the business entity in strategic plans development comprises reports including recommendations to increase the business entity's performance relative to specified metrics (emphasis added.)

The Mui reference cited by the Examiner fails to teach or suggest the apparatus recited in amended claim 7. Accordingly, the Examiner's rejection of claim 7 under § 102(e) is unsupported by the cited reference. Therefore, Applicants respectfully request withdrawal of the rejection of claim 7.

Claim 8 has been amended to recite, in part:

providing a set of management tools configured to produce data to assist the business entity in self measurement, metric comparisons, and strategic plans development through the use of data contained in the at least one database system, wherein said data to assist the business entity in strategic plans development comprises reports including recommendations to increase the business entity's performance relative to specified metrics (emphasis added.)

The Mui reference cited by the Examiner fails to teach or suggest the method recited in amended claim 8. Accordingly, the Examiner's rejection of claim 8 under § 102(e) is unsupported by the cited reference. Therefore, Applicants respectfully request withdrawal of the rejection of claim 8, and claims 9-12 which depend from claim 8.

Claim 13 has been amended to recite, in part:

electronically coupling to the at least one database system, a set of management tools configured to produce data to assist the business entity in self measurement, metric comparisons, and strategic plans development, wherein said data to assist the business entity in strategic plans development comprises reports including recommendations to increase the business entity's performance relative to specified metrics (emphasis added.)

The Mui reference cited by the Examiner fails to teach or suggest the method recited in amended claim 13. Accordingly, the Examiner's rejection of claim 13 under § 102(e) is unsupported by the cited reference. Therefore, Applicants respectfully request withdrawal of the rejection of claim 13.

Claim 14 has been amended to recite, in part:

providing a second server mechanism, electronically coupled to the at least one database system, containing a set of management tools configured to produce data to assist the business entity in self measurement, metric comparisons, and strategic plans development, wherein said data to assist the business entity in strategic plans development comprises reports including recommendations to increase the business entity's performance relative to specified metrics (emphasis added.)

The Mui reference cited by the Examiner fails to teach or suggest the method recited in amended claim 14. Accordingly, the Examiner's rejection of claim 14 under § 102(e) is unsupported by the cited reference. Therefore, Applicants respectfully request withdrawal of the rejection of claim 14.

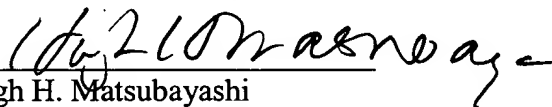
CONCLUSION

For at least the reasons provided above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief, including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 426882000700. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 15, 2004

Respectfully submitted,

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